

ACTION: Withdrawal of direct final rule.

SUMMARY: EPA is withdrawing direct final approval of the rescission of rules from the Pinal-Gila Counties Air Quality Control District (PGCAQCD) portion of the Arizona State Implementation Plan (SIP) that were published in the **Federal Register** on May 1, 2001 (66 FR 21675).

EFFECTIVE DATE: The direct final rule published on May 1, 2001 is withdrawn as of June 20, 2001.

FOR FURTHER INFORMATION CONTACT: Al Petersen, Rulemaking Office, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105; (415) 744-1135.

SUPPLEMENTARY INFORMATION: On May 1, 2001 (66 FR 21727), EPA proposed to approve the rescission of various PGCAQCD rules from the Arizona State Implementation Plan (SIP). On the same day (66 FR 21675), EPA also published a direct final rule approving the rescission of these rules from the SIP. The action provided a 30 day public comment period and explained that if we received adverse comments, we would withdraw the relevant direct final action.

We did receive adverse comments, and are therefore withdrawing the direct final rescission of all of the rules. We are not opening an additional comment period. We intend to finalize action on these rules based on the May 1, 2001 proposed action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: June 6, 2001.

Laura Yoshii,

Acting Regional Administrator, Region IX.
[FR Doc. 01-15482 Filed 6-19-01; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

[HCFA-3074-F]

RIN 0938-AK98

Medicare and Medicaid Programs; End-Stage Renal Disease—Waiver of Conditions for Coverage Under a State of Emergency in Houston, TX Area

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule.

SUMMARY: This final rule grants a waiver of the end-stage renal disease conditions for coverage to permit the transplant team of an approved renal transplant center to furnish covered kidney transplant services in three specific hospitals in the Houston, Texas area during a state of emergency crisis.

EFFECTIVE DATE: These regulations are effective on June 15, 2001.

FOR FURTHER INFORMATION CONTACT: Jackie Sheridan, (410) 786-4635, or Jennifer Doherty, (410) 786-2462.

SUPPLEMENTARY INFORMATION:

I. Provisions of this Rule

A state of emergency has resulted from a natural disaster causing massive flooding, loss of power, and disruption to basic services throughout the Houston, Texas area. A severe health and safety threat exists from the unanticipated damage done to hospitals in the entire Houston area. Approximately 2,000 hospital beds in downtown Houston have been closed, including end-stage renal disease (ESRD) facilities currently approved to furnish kidney transplant services.

Effective June 15, 2001, we are waiving the ESRD conditions for coverage in 42 CFR, part 405, subpart U to permit coverage of kidney transplant services performed by the transplant team from Memorial Hermann Hospital when performed at one of the following hospitals:

- Memorial Hermann-Memorial City Hospital (commonly referred to as Memorial City Hospital).
- Memorial Hermann Southwest Hospital (commonly referred to as Memorial Southwest Hospital).
- Memorial Hermann Southeast Hospital (commonly referred to as Memorial Southeast Hospital).

This waiver of the conditions for coverage is effective until December 15, 2001 or until Memorial Hermann Hospital re-opens to furnish kidney

transplant services, whichever date occurs first.

II. Waiver of Proposed Rulemaking & Delay of Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** and invite public comment on the proposed rule. The notice of proposed rulemaking includes a reference to the legal authority under which the rule is proposed, and the terms and substances of the proposed rule or a description of the subjects and issues involved. We generally delay the effective date of a final rule. These procedures can be waived, however, if an agency finds good cause that the notice-and-comment and effective date delay procedures are impracticable, unnecessary, or contrary to the public interest and incorporates a statement of the finding and its reasons in the rule issued. Because of the imminent danger posed to patients needing a kidney transplant and the loss of availability of facilities to perform these services, we find that notice-and-comment is impracticable, unnecessary, and contrary to the public interest.

Therefore, we find good cause to waive the notice of proposed rulemaking and delay of effective date to issue this final rule.

List of Subjects in Part 405

Administrative practice and procedure, Health facilities, Health professions, Kidney diseases, Medicare, Reporting and recordkeeping requirements, Rural areas, X-rays.

For the reasons set forth in the preamble, 42 CFR, chapter IV, is amended as set forth below:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

1. The authority citation for part 405, subpart U continues to read as follows:

Authority: Secs. 1102, 1138, 1861, 1862(a), 1871, 1874, and 1881 of the Social Security Act (42 U.S.C. 1302, 1320b-8, 1395x, 1395y(a), 1395hh, 1395kk, and 1395rr), unless otherwise noted.

Subpart U—Conditions for Coverage of Suppliers of End-Stage Renal Disease (ESRD)

2. A new § 405.2175 is added to read as follows:

§ 405.2175 Waiver of conditions for coverage for state of emergency situations.

(a) Effective June 15, 2001, HCFA waives the ESRD conditions for coverage in this subpart to permit coverage of kidney transplant services

performed by the transplant team from Memorial Hermann Hospital when performed at one of the following hospitals:

(1) Memorial Hermann-Memorial City Hospital (commonly referred to as Memorial City Hospital).

(2) Memorial Hermann Southwest Hospital (commonly referred to as Memorial Southwest Hospital).

(3) Memorial Herman Southeast Hospital (commonly referred to as Memorial Southeast Hospital).

(b) The waiver of the conditions for coverage is effective until December 15, 2001 or until Memorial Hermann Hospital re-opens to furnish kidney transplant services, whichever date occurs first. HCFA will publish a rule removing this waiver after it expires.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program)

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Thomas A. Scully,

Administrator, Health Care Financing Administration.

Tommy G. Thompson,
Secretary.

[FR Doc. 01–15587 Filed 6–15–01; 5:10 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 960531152–6152–01; I.D. 042996B]

RIN 0648–A118

Fisheries of the Exclusive Economic Zone Off Alaska; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; correcting amendments.

SUMMARY: This document contains a correction to the final rule consolidating regulations for fisheries of the Exclusive Economic Zone off Alaska that was published in the *Federal Register* on June 19, 1996.

DATES: Effective June 20, 2001.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, 907–586–7008.

SUPPLEMENTARY INFORMATION: A final rule was published in the *Federal Register* on 61 FR 31227 (June 19, 1996), to consolidate six parts (671, 672, 673, 675, 676, and 677) in title 50 of the CFR into one new part (50 CFR part 679). A new prohibition to § 679.7 was created by combining the prohibitions from the formerly separate six parts. Individual Fishing Quota (IFQ) fisheries prohibitions were placed into § 679.7 (f).

An error was made in citing the cross reference within one paragraph placed in the new part. The former prohibition § 676.16 (d) referred the reader to an

exception at § 676.17. Section 676.17 (a), entitled “vessel clearance,” described vessel landing procedures and became § 679.5(l)(3) entitled “vessel clearance.” Section 676.17(b), entitled “Ten Percent Adjustment Policy,” described a requirement to harvest within the allocated IFQ permit amount. This second paragraph became § 679.40 (d). The former prohibition § 676.16 (d) became § 679.7 (f)(4).

The error occurs because the cross reference at § 679.7 (f)(4) incorrectly refers the reader to an exception at § 679.5 (l)(3); the correct cite is § 679.40 (d).

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Accordingly, 50 CFR part 679 is corrected by making the following correcting amendments:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 1631 *et seq.*

§ 679.7 [Corrected]

2. In § 679.7 (f)(4), remove “Except as provided in § 679.5 (l)(3)” and add in its place, “Except as provided in § 679.40 (d)”.

Dated: June 14, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 01–15537 Filed 6–19–01; 8:45 am]

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